

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

April 27, 2007

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

Hawaii

Consent to Assign General Lease No. S-3170, Leonard D. Sutton and Jane L. Sutton, Assignor, to Leroy Binyan and Ruth Binyan, Assignee, Waiakea, South Hilo, Hawaii, Tax Map Key: 3<sup>rd</sup>/ 2-1-07:36.

APPLICANT:

Leonard D. Sutton and Jane L. Sutton, as Assignor, to Leroy Binyan and Ruth Binyan, Husband and Wife, Tenants by the Entirety, whose business and mailing address is 470 E. Lanikaula St., Hilo, Hawaii 96720, as Assignee.

LEGAL REFERENCE:

Section 171-36(a)(5), Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Waiakea, South Hilo, Hawaii, identified by Tax Map Key: 3<sup>rd</sup>/ 2-1-07:36, consisting of approximately .185 acres, as shown on the attached map labeled Exhibit A.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CHARACTER OF USE:

Residential purposes.

TERM OF LEASE:

Original lease was for 21 years commencing on September 10, 1947 and expiring on September 9, 1968.

Extension of lease dated May 25, 1962 extended the term changing the expiration of lease to March 14, 2015. Last rental reopening for remaining lease period occurred on May 25, 2002.

ANNUAL RENTAL:

\$1,600.00.

CONSIDERATION:

\$ 160,000.00

RECOMMENDED PREMIUM:

Not applicable as the lease does not allow for a premium.

DCCA VERIFICATION:

Not applicable, individuals are not required to register with DCCA.

REMARKS:

General Lease No. 3170 dated September 10, 1947 between the Territory of Hawaii, by its Commissioner of Public Lands, and Mrs. Ernest Baptiste. The original term of the lease was for 21 years at the rate of \$180.00 per year, payable by equal semi-annual payments in advance.

An assignment of lease was made, dated September 29, 1947 between Mrs. Ernest Baptiste and Ernest M. Cabrinha. On November 24, 1950, an assignment of lease was made between Ernest M. Cabrinha, Assignor and Ernest M. and Adelaide Cabrinha, Assignee.

On August 20, 1979, an assignment of lease was made between Ernest M. and Adelaide Cabrinha, Assignor and Duaine T. Edwards and Pauline K. Edwards, Assignees. As a result of foreclosure proceedings, the lease was further assigned by Gilbert K. Hara, court appointed Commissioner, as Assignor and William C. Fehr and Martha H. Fehr, Assignee effective March 11, 1983.

The lease was assigned again on February 20, 1991 by William C. Fehr and Martha H. Fehr, Assignor to James E. Faull and B. Claire M. Faull, Assignee. On December 6, 1993, the lease was further assigned by James E. Faull and B. Claire M. Faull, Assignor to B. Claire M. Faull, Assignee.

On May 13, 1996, GL No. 3170 was assigned by B. Claire M. Faull, Assignor to Juliette

April 27, 2007

Simpson Furtado, Trustee under the unrecorded Revocable Living Trust Agreement made by Juliette Simpson Furtado dated February 19, 1988, as amended, Assignee.

On November 4, 2004, an assignment of lease was executed between Juliette Simpson Furtado, Trustee under the unrecorded Revocable Living Trust Agreement made by Juliette Simpson Furtado dated February 19, 1988, as amended, Assignor to Leonard D. Sutton and Jane L. Sutton, Assignee.

The purpose of this assignment is a result of the sale of General Lease No. 3170 by Leonard D. Sutton and Jane L. Sutton due to relocation of current tenants.

Leroy Binyan and Ruth Binyan have not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

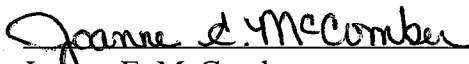
The Lessee is current with all the terms and conditions of the lease agreement. The last rental reopening occurred on May 25, 2002 and is effective until the expiration of the lease on March 14, 2015.

RECOMMENDATION:

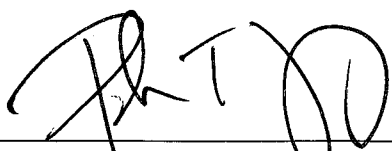
That the Board consent to the assignment of General Lease No. S-3170 from Leonard D. Sutton and Jane L. Sutton, as Assignor, to Leroy Binyan and Ruth Binyan, as Assignee, subject to the following:

1. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
2. Review and approval by the Department of the Attorney General; and
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

  
with Joanne E. McComber  
Land Agent

APPROVED FOR SUBMITTAL:

  
Peter T. Young, Chairperson

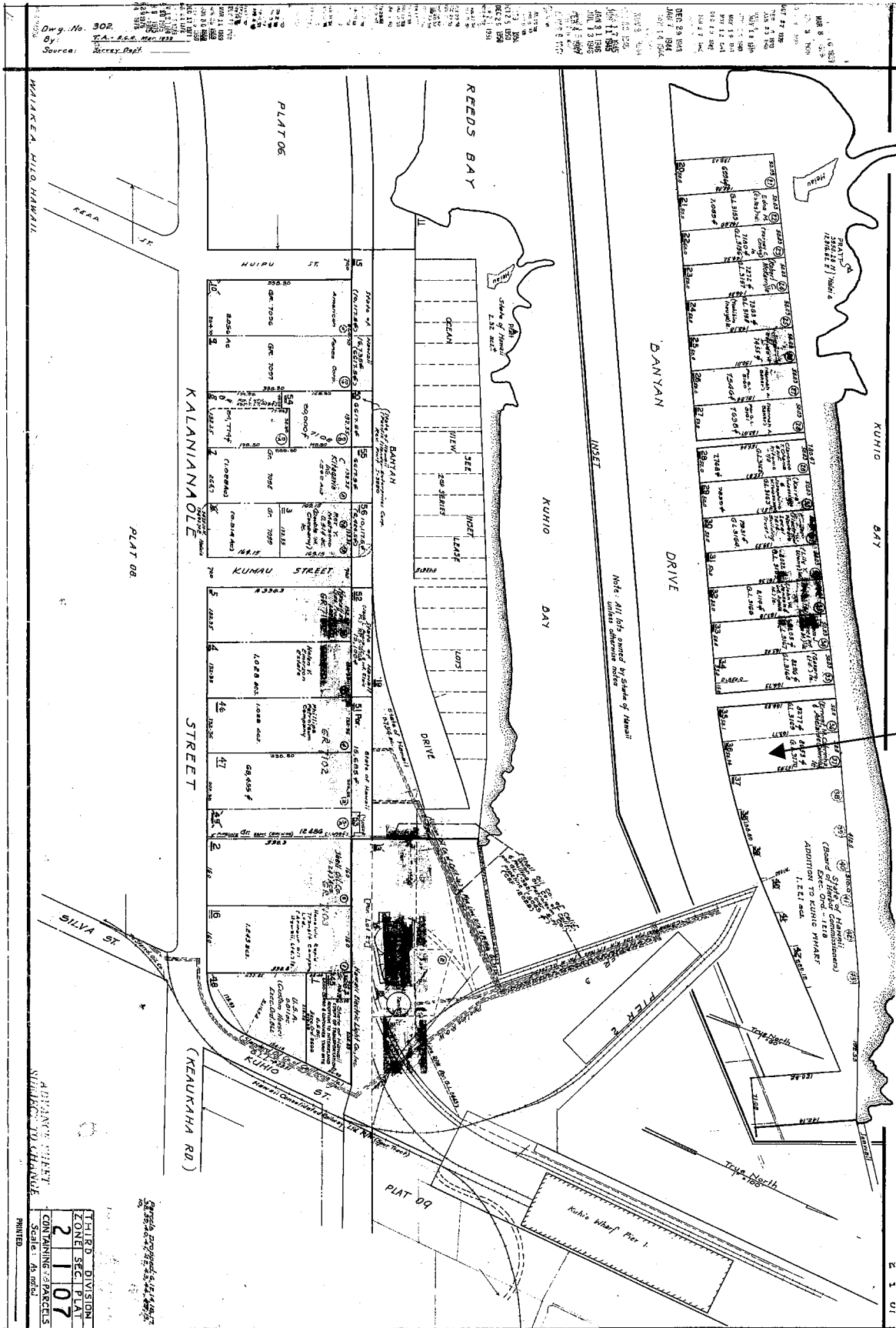


EXHIBIT A